

5702-01051

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Remarks

During a telephone interview on October 23, 2008, Examiner Culbreth kindly agreed to review the proposed amended claims set forth herein prior to filing of this document. On October 23, 2008, Applicant's representative forwarded a copy of the proposed amended claims set forth herein to Examiner Culbreth for review. During a telephone interview on October 28, 2008, Examiner Culbreth indicated that the proposed claim amendments appeared to overcome the outstanding claim rejections. The Examiner also indicated that he would conduct an updated search in view of the proposed amendments, and that Applicant should file a formal response to the outstanding office action for further evaluation by the Examiner.

The remarks set forth in Amendment "D" filed on September 15, 2008, are incorporated herein by reference.

Applicant acknowledges the Examiner's statement on page 7 of the final office action that:

"Regarding the fourth paragraph (that applicant's filter is different in the specification from Kirchoff et al's filter and cooling means), as the filter is not claimed in a manner that structurally defines over Kirchoff et al's arrangement, the claims are met by the reference."

Applicant has amended independent claims 1, 7, 14, 23, and 27 to recite a "...filter comprising a wire mesh material extending continuously from the booster cup end surface to the perforated disc..."

In addition, claim 30 has been amended to recite the steps of "...inserting a filter member comprising a wire mesh material into the inflator body up to a point at which the filter bears against an end surface of the booster cup..." and "...positioning a perforated disc abutting said filter member; such that the wire mesh material extends continuously from the booster cup end surface to the perforated disc..."

The Examiner rejected claims 7, 9-10, 13, 30-31, and 33-34 under 35 U.S.C. 102(b) as being anticipated by Kirchoff et al, U.S. Patent No. 3,972,545.

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**CLAIM 7**

Applicants believe that claim 7 is not anticipated by Kirchoff et al. '545 because the reference does not disclose all of the elements recited in the claim. Specifically, the reference does not disclose "An inflator for an inflatable restraint system in a vehicle comprising.... a filter abutting said booster cup end surface..." and "...a perforated disc abutting said filter; the filter comprising a wire mesh material extending continuously from the booster cup end surface to the perforated disc..." as recited in amended claim 7.

Kirchoff et al. '545 does not disclose a "...filter comprising a wire mesh material extending *continuously* from the booster cup end surface to the perforated disc..." as recited in amended claim 7. The assembly shown in Kirchoff et al. '545 includes pH neutralizing material 26 nested within mesh layers. Thus, as amended, claim 7 defines the filter of the present invention over the assembly shown in Kirchoff et al. '545.

In view of the above, the rejection of claim 7 under 35 U.S.C. 102(b) as being anticipated by Kirchoff et al. '545 should be withdrawn. In addition, as claim 7 is deemed patentable, claims 9-13 are also deemed patentable as they depend from claim 7.

**CLAIM 30**

Applicants believe that claim 30 is not anticipated by Kirchoff et al. '545 because the reference does not disclose all of the elements recited in the claim. Kirchoff et al. '545 does not disclose steps of "...inserting a filter member comprising a wire mesh material into the inflator body up to a point at which the filter bears against an end surface of the booster cup..." and "...positioning a perforated disc abutting said filter member; such that the wire mesh material extends *continuously* from the booster cup end surface to the perforated disc..." as recited in amended claim 30. The assembly shown in Kirchoff et al. '545 includes pH neutralizing material 26 nested within mesh layers. Thus, as amended, the claim distinguishes the structure of the filter produced by the method recited therein, from the assembly shown in Kirchoff et al. '545.

In view of the above, the rejection of claim 30 under 35 U.S.C. 102(b) as being anticipated by Kirchoff et al. '545 should be withdrawn. In addition, as claim 30 is deemed patentable, claims 31-34 are also deemed patentable as they depend from claim 30.

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The Examiner also rejected claims 1-6, 11-12, 14-21, 27-29, and 32 under 35 U.S.C. 103(a) as being unpatentable over Kirchoff et al. '545 in view of Goetz et al., U.S. Patent No. 4,394,033.

#### CLAIM 1

Kirchoff et al. '545 does not teach or suggest a "...filter comprising a wire mesh material extending *continuously* from the booster cup end surface to the perforated disc..." as recited in amended claim 1. The assembly shown in Kirchoff et al. '545 includes pH neutralizing material 26 nested within mesh layers. Thus, as amended, claim 1 defines the filter of the present invention over the assembly shown in Kirchoff et al. '545.

In addition, Goetz et al. '033 does not teach or suggest the above-mentioned feature of amended claim 1. Thus, no combination of the cited references would teach or suggest this feature.

In view of this, the rejection of claim 1 under 35 U.S.C. 103(a) as being unpatentable over Kirchoff et al. '545 in view of Goetz et al. '033 should be withdrawn. In addition, as claim 1 is deemed patentable, claims 2-6 are also deemed patentable as they depend from claim 1.

#### CLAIM 14

For the reasons set forth above with regard to claim 1, Kirchoff et al. '545 does not teach or suggest a "...filter comprising a wire mesh material extending *continuously* from the booster cup end surface to the perforated disc..." as recited in amended claim 14. The assembly shown in Kirchoff et al. '545 includes pH neutralizing material 26 nested within mesh layers. Thus, as amended, claim 14 defines the filter of the present invention over the assembly shown in Kirchoff et al. '545.

In addition, Goetz et al. '033 does not teach or suggest the above-mentioned feature recited in amended claim 14. Thus, no combination of the cited references would teach or suggest this feature.

In view of this, the rejection of claim 14 under 35 U.S.C. 103(a) as being unpatentable over Kirchoff et al. '545 in view of Goetz et al. '033 should be withdrawn. In addition, as claim 14 is deemed patentable, claims 15-22 are also deemed patentable as they depend from claim 14.

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The Examiner also rejected claims 22-26 under 35 U.S.C. 103(a) as being unpatentable over Kirchoff et al. '545 in view of Goetz et al. '033, and further in view of Schneider et al., U.S. Patent No. 6,279,945.

#### CLAIM 22

As stated previously with regard to claim 14, Kirchoff et al. '545 does not teach or suggest an inflator including a "...filter comprising a wire mesh material extending *continuously* from the booster cup end surface to the perforated disc...". In addition, Goetz et al. '033 does not teach or suggest this feature. Furthermore, Schneider et al. '945 does not teach or suggest the above-mentioned feature. Therefore, the rejection of claim 22 (which depends from claim 14) as being unpatentable over Kirchoff et al. '545 in view of Goetz et al. '033, and further in view of Schneider et al. '945 should be withdrawn.

Also, as stated previously, Applicants believe that claim 22 is deemed patentable because as it depends from claim 14.

#### CLAIM 23

Kirchoff et al. '545 does not teach or suggest a "...filter comprising a wire mesh material extending *continuously* from the booster cup end surface to the perforated disc..." as recited in amended claim 23. The assembly shown in Kirchoff et al. '545 includes pH neutralizing material 26 nested within mesh layers. Thus, as amended, claim 23 defines the filter of the present invention over the assembly shown in Kirchoff et al. '545.

In addition, Goetz et al. '033 does not teach or suggest the above-mentioned feature recited in amended claim 23. Furthermore, Schneider et al. '945 does not teach or suggest this feature. Thus, no combination of the cited references would teach or suggest this feature.

In view of this, the rejection of claim 23 as being unpatentable over Kirchoff et al. '545 in view of Goetz et al. '033, and further in view of Schneider et al. '945 should be withdrawn. In addition, as claim 23 is deemed patentable, claims 24-26 are also deemed patentable as they depend from claim 23.

In view of the above amendments and remarks, the Applicants therefore believe that all rejections of record have been overcome. The Applicants respectfully request allowance of all remaining claims, and passage of the present application to grant.

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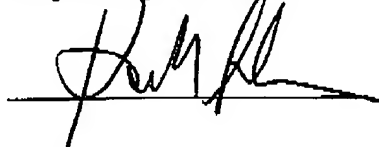
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NOV 04 2008

Submitted herewith is a credit card authorization sheet to charge the amount of \$130 to cover the cost of the one month extension of time. The Commissioner is authorized to charge any deficiencies (or credit any overage) related to this paper to deposit account no. 50-3238.

Respectfully submitted,



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